

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501
(707) 445-7833 FAX (707) 445-7877

www.coastal.ca.gov

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NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

October Meeting of the California Coastal Commission

MEMORANDUM

Date: October 12, 2007

TO: Commissioners and Interested Parties
FROM: Peter Douglas, North Coast District Deputy Director
SUBJECT: ***Deputy Director's Report***

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Coast District Office for the October 12, 2007 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Coast District.

DE MINIMIS WAIVERS

1. 1-07-024-W Keith Condon (Eureka, Humboldt County)
2. 1-07-034-W Anthony John Castillo (Eureka, Humboldt County)

EMERGENCY PERMITS

1. 1-07-037-G Reclamation District 768 (, Humboldt County)

EXTENSION - IMMATERIAL

1. 1-05-006-E1 James A. Zito (Eureka, Humboldt County)

TOTAL OF 4 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-07-024-W Keith Condon	Lot line adjustment between two developed parcels involving the transfer of 3,275 square feet from Parcel A (APN 305-073-21) to Parcel B (APN 305-073-22), reducing the size of Parcel A from 14,370 to 10,895 square feet, and increasing the size of Parcel B from 4,250 to 7,715 square feet in size.	1125 & 1133 King Salmon Avenue, Eureka (Humboldt County)
1-07-034-W Anthony John Castillo	(1) Merge a 12.5-foot-wide 2,043-square-foot lot and a 25-foot-wide 4,086-square-foot lot resulting in one 37.5-foot-wide 6,129-square-foot parcel and (2) remodel a 14-foot by 16-foot lower-floor bedroom of the existing 586-square-foot two-story residence and construct a new second floor 14-foot by 16-foot bedroom and bathroom above with a new 70-square-foot deck and stairway.	1165 King Salmon Avenue, Eureka (Humboldt County)

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-07-037-G Reclamation District 768	Repair and maintenance of approximately 900 feet of existing levee using two different repair methods: 1) approximately 300 feet will involve the use of sheet piling in combination with rock slope protection (RSP); and 2) approximately 600 feet of repairs will involve placement of the typical earth fill and RSP. A total of 700 cubic yards of soil and levee material will be removed and disposal of off-site, 2,800 cubic yards of engineered fill and backfill will be placed on the levee and behind the sheet pile, and 23,439 cubic yards of RSP will be placed along the levee repair site. The sheet piling portion of the site will be accessed by a floating barge. The remainder of the repair site will be accessed using a temporary culvert and fill crossing across the levee's inboard ditch.	Along approximately 900 feet of the Jackson Ranch Levee on the left bank of Mad River Slough, located approximately 600 to 1,000 feet north of Samoa Road (State Highway 255) and Arcata Bay, Humboldt County

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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1-05-006-E1

James A. Zito

Construction of a 1,732 sq. ft., (731 sq. ft. building envelope), 32 ft. ht., three-story, single family residence and repair of existing decking, boat ramp, and dock

14 Crab Street, Eureka (Humboldt County)

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: October 9, 2007
TO: Keith Condon
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-07-024-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Keith Condon

LOCATION: 1125 & 1133 King Salmon Avenue, Eureka (Humboldt County) (APN(s) 305-073-21, 305-073-22)

DESCRIPTION: Lot line adjustment between two developed parcels involving the transfer of 3,275 square feet from Parcel A (APN 305-073-21) to Parcel B (APN 305-073-22), reducing the size of Parcel A from 14,370 to 10,895 square feet, and increasing the size of Parcel B from 4,250 to 7,715 square feet in size.

RATIONALE: The lot line adjustment will conform Parcel B to the minimum parcel size required by the zone (5,000 square feet) under the certified LCP. Both parcels are currently developed with single-family houses. No new development is proposed and the proposed lot line adjustment will not reconfigure the parcels in a manner that would facilitate future development. Therefore, the proposed project would not adversely affect coastal resources and is consistent with all applicable Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, October 12, 2007, in San Pedro. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

Robert S. McFarrell
ROBERT S. MCFARRELL PER
By: MELISSA KRAEMER
Coastal Program Analyst

cc: Local Planning Dept.

Oscar Larson & Associates, Attn: Stein Coriell

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: October 9, 2007
TO: Anthony John Castillo
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-07-034-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Anthony John Castillo

LOCATION: 1165 King Salmon Avenue, Eureka (Humboldt County) (APN(s) 305-073-17)

DESCRIPTION: (1) Merge a 12.5-foot-wide 2,043-square-foot lot and a 25-foot-wide 4,086-square-foot lot resulting in one 37.5-foot-wide 6,129-square-foot parcel and (2) remodel a 14-foot by 16-foot lower-floor bedroom of the existing 586-square-foot two-story residence and construct a new second floor 14-foot by 16-foot bedroom and bathroom above with a new 70-square-foot deck and stairway.

RATIONALE: The proposed lot merger will reduce potential future density. The house is served by municipal sewer and water and the proposed expansion and remodelling of the existing house will conform to the visual character of the King Salmon community with its diverse range of architectural styles and materials. The proposed development will not adversely affect coastal resources and the project is consistent with all applicable Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, October 12, 2007, in San Pedro. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: ROBERT MERRILL
District Manager

cc: Local Planning Dept.

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MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



EMERGENCY PERMIT

Reclamation District 768
c/o Stein Coriell
Oscar Larson & Associates
317 Third Street
Eureka, CA 95501

Date: September 11, 2007
Emergency Permit No. 1-07-037-G

LOCATION OF EMERGENCY WORK:

Along approximately 900 feet of the Jackson Ranch Levee on the left bank of Mad River Slough, located approximately 600 to 1,000 feet north of Samoa Road (State Highway 255) and Arcata Bay, Humboldt County.

WORK PROPOSED:

Repair and maintenance of approximately 900 feet of existing levee using two different repair methods: 1) approximately 300 feet will involve the use of sheet piling in combination with rock slope protection (RSP); and 2) approximately 600 feet of repairs will involve placement of the typical earth fill and RSP. A total of 700 cubic yards of soil and levee material will be removed and disposal of off-site, 2,800 cubic yards of engineered fill and backfill will be placed on the levee and behind the sheet pile, and 23,439 cubic yards of RSP will be placed along the levee repair site. The sheet piling portion of the site will be accessed by a floating barge. The remainder of the repair site will be accessed using a temporary culvert and fill crossing across the levee's inboard ditch.

PERMIT RATIONALE:

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that storm surge and high tidal inundation-related erosion has resulted in compromising the long-term structural integrity of the levee. Consequently, if timely repairs to the most significantly damaged portions of the levee are not conducted within an expedited timeframe, the likelihood that a catastrophic breach in the levee during the on-coming winter season would be substantially increased. Such a breach could result in the inundation of significant areas of coastal agricultural lands and public roads by tidal waters. Therefore, the situation requires immediate action to prevent damage to private property and public infrastructure.

Pursuant to Title 14 of the California code of Regulations, Section 13009, the Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit; and
- (b) Public comment on the proposed emergency action has been reviewed as time allows; and



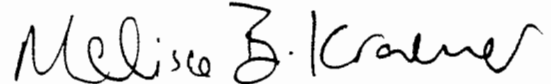
Emergency Permit Number: 1-07-037-G
Date: September 11, 2007
Page 2 of 6

- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director

A handwritten signature in black ink, reading "Melissa B. Kraemer". The signature is fluid and cursive, with the first name "Melissa" being more prominent than the last name "Kraemer".

MELISSA B. KRAEMER
Coastal Planner/Analyst



CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned within 15 days.
2. Only work specifically described in this permit and for the specific property listed above is authorized. The project shall be undertaken in accordance with the plans and other information submitted to the Coastal Commission. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed by December 15, 2007.
4. Prior to the commencement of construction, the permittee shall conduct a pre-construction survey of the adjacent eelgrass beds in Mad River Slough in conformance with the pre-construction eelgrass survey procedures outlined in and the *Draft Eelgrass (Zostera marina) Mitigation and Monitoring Plan for Reclamation District 768 Levee Repair Project* prepared by Oscar Larson & Associates and Mad River Biologists and dated April 17, 2007.
5. The barge used to support the pile driving equipment shall be floating at all times and shall only operate at tides high enough so that the barge does not rest against the intertidal mudflat bottom.
6. The temporary culvert and fill ditch crossing located just south of the HBMWD single pipeline crossing shall be constructed using plastic culverts and hay bales, as proposed in "Scenario 3" of the August 13, 2007 letter from Oscar Larson & Associates Project Manager Michael Holtrigel to the Coastal Commission staff regarding "Reclamation District 768 Levee Repair Project – Investigation of Scenarios for Construction Equipment and Construction Materials to Access the Levee Repair Work." The temporary crossing shall be completely removed within 10 days of completion of construction activities, or be December 25, 2007, whichever is earliest.
7. As described in the U.S. Fish and Wildlife Services Formal Consultation for the project (File No. 8-14-2006-3050), prior to construction of the temporary ditch crossing, tidewater gobies shall be excluded from the areas of impact by using seine netting stretching from substrate to water surface and bank to bank. The netting must be a knotless mesh of no greater than 0.125-inch openings in the largest dimension. Netting shall be deployed in such a way that it excludes gobies from the construction area and keeps them from entering the construction zone until the structure is in place and all work within the wetted channels for the purpose of constructing the crossing has been completed. The results of fish exclusion efforts shall be reported to the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and any other relevant agencies.
8. Except for the floating barge carrying the sheet pile driving equipment, heavy equipment shall not operate in the slough, inboard ditch, or wetted channels. All repair or restoration work shall be done from the top of the levee or from the landward side of the channel by loader, backhoe, or excavator.



9. Construction activities shall be conducted during low tide or limited to the areas above mean high water.
10. All temporary access roads and staging areas shall be limited to the locations and sizes specified in the permit application.
11. The permittee shall use relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management (Construction and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, et al. for the Storm Water Quality Task Force (see <http://www.cabmphandbooks.com>).
12. All repair or restoration activities involving the levee shall include the placement of geotextile or similar erosion control material between the authorized fill and the levee and the placement of the riprap to reduce or minimize the amount of erosion that may otherwise occur.
13. Effective erosion control measures shall be in place at all times during construction. Construction must not commence until all temporary erosion control devices (e.g., silt fences) are in place downslope or downstream of the project site. A supply of erosion control materials shall be maintained on site to facilitate a quick response to unanticipated storm events or emergencies. If continued erosion is likely to occur after construction is completed, then appropriate erosion prevention measures shall be implemented and maintained until erosion has subsided. Erosion control devices are temporary structures and shall be removed after completion of construction.
14. Erosion controls shall be used to protect and stabilize stockpiles and exposed soils to prevent movement of materials (e.g., silt fences, berms of hay bales, plastic sheeting held down with rocks or sandbags over stockpiles, etc.).
15. Work sites shall be winterized at the end of each day when significant rains are forecast that may cause unfinished excavation to erode.
16. Armoring Rock: All new revetment material to be used shall consist of either clean quarry rock or concrete rubble materials that are free of asphalt and waste materials. The revetment materials shall not be greater than three feet in any one direction or smaller than one cubic foot in size except for Light Class RSP placed between the RSP fabric and the exposed armoring rock. All exposed reinforcement bar shall be removed prior to installation of any concrete rubble riprap. No rock shall be placed outside of the existing footprint of the levee system.
17. Fill Material: Only dry, clean fill may be used for levee repairs and must be free of debris (vegetation, asphalt etc.). No fill shall be placed outside of the existing footprint of the levee system.
18. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering waters of Arcata Bay, Mad River Slough, or seasonal wetlands outside of levee repair areas and temporary staging areas and access roads. Any debris discharged into coastal waters or mudflats outside the levee or into the inboard ditch and



associated wetted channels shall be recovered immediately, removed to staging areas and/or hauled off site.

19. During construction, all trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of habitat during restoration activities. Following construction, all trash and construction debris shall be removed from work areas and disposed of properly.
20. All construction debris shall be removed and disposed of in an upland location at an approved disposal facility within 10 days of project completion.
21. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas.
22. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters, the inboard ditch, or seasonal wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call.
23. After project completion, all exposed soils present in and around the project site which may deliver sediment to a wetland or the slough shall be stabilized with mulch, seeding, and/or placement of erosion control blankets. Erosion control seeding shall include only native, regionally appropriate species or noninvasive agricultural species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the property.
24. Prior to commencement of construction, the permittee shall conduct a pre-construction survey of the existing salt marsh and mudflat habitat in the immediate vicinity of the approved sheet pile wall, levee repairs, and RSP development. The survey shall delineate (1) the footprint of the existing levee; (2) the footprint of the approved sheet pile wall, levee repairs, and RSP; (3) the extent of existing salt marsh vegetation that could be affected by the development including all existing salt marsh between the mudflats along the east side of Mad River Slough and within 100 feet of the approved development; (4) the extent of mudflat within 100 feet of the approved development; and (5) the existing mean high tide line. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. The plans shall be submitted within 30 days of the date of this permit, or by October 11, 2007.
25. Within 90 days of project completion or by March 14, 2008, whichever is earliest, the permittee shall submit as-built plans of the 900-foot-long section of sheet piling and revetment as reconstructed, delineating (1) the footprint of the previously existing levee; (2) the footprint of the constructed sheet pile wall, repaired levee, and RSP; (3) the extent of salt marsh vegetation between the mudflats along the east side of Mad River



Slough and within 100 feet of the approved development affected by the development; (4) the extent of mudflat within 100 feet of the approved development affected by the development; and (5) the mean high tide line as it exists after project construction. Plans showing a comparison of the existing and as-built conditions at the site shall also be submitted. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. The plans shall be submitted within 60 days of project completion, or by February 13, 2008, whichever is earliest.

26. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless of any liabilities for damage to public or private properties or personal injury that may result from the project.
27. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including the U.S. Army Corps of Engineers, the California Department of Fish and Game, the County of Humboldt, the Humboldt Bay Harbor, Recreation, and Conservation District, or the North Coast Regional Water Quality Control Board.

The emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Development Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Coast District Office at the address and telephone number list on the first page.

cc w/out encl.: Humboldt County Planning Division, Eureka, Attn: Steve Werner
Humboldt Bay Harbor, Recreation, & Conservation District, Attn: Dave Hull
U.S. Army Corps of Engineers, Eureka Office, Attn: David Ammerman
National Marine Fisheries Service, Arcata, Attn: Diane Ashton
U.S. Fish and Wildlife Service, Arcata, Attn: Greg Goldsmith
Department of Fish and Game, Eureka, Attn: Vicki Frey

Encl.: Emergency Permit Acceptance Form, Regular Application Form



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October 5, 2007

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **James A. Zito**

has applied for a one year extension of Permit No: **1-05-006-E1**

granted by the California Coastal Commission on: **October 14, 2005**

for **Construction of a 1,732 sq. ft., (731 sq. ft. building envelope), 32 ft. ht., three-story, single family residence and repair of existing decking, boat ramp, and dock**

at **14 Crab Street, Eureka (Humboldt County) APN 305-221-34**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,
PETER M. DOUGLAS
Executive Director

A handwritten signature in cursive script that reads 'Melissa B. Kraemer'.

By: MELISSA KRAEMER
Coastal Program Analyst